

THE HISTORICAL UNDERPINNINGS OF THE U.S. INTELLIGENCE COMMUNITY



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The Historical Underpinnings of the U.S. Intelligence Community

Many Americans believe that the United States first became informally involved in intelligence activities with the establishment of the Office of Strategic Services during World War II and then formally with the establishment of the Central Intelligence Agency following the war.

Actually, the United States has been involved in intelligence operations from the time of the American Revolution. In its early days, intelligence was conducted on a highly personal and private basis by talented amateurs responsible solely to the President. Only much later did intelligence become conducted by professionals serving the government's top echelon decision-makers.

Probably the reason that the early history of U.S. intelligence has remained so obscure and unpublicized is attributable to the conflict arising from our traditionally avowed commitment to an open society fostering a free flow of information and our recognition of the secrecy demands of political realities and expediencies. Trying to reconcile political realities with ideological commitments makes us so uncomfortable that we strongly tend to ignore the conflict by carefully compartmentalizing our thinking or by looking the other way as we sweep the evidence under the rug.

Habitually, Americans associate secrecy with privilege and sinister maneuvering, both of which go against their grain. As a result, the paper trail documenting secret intelligence activities surfaces only in bits and pieces combed from such unconventional sources as narrowly circulated memoirs and quietly commissioned reports stored in archives.

There are those today, for example, who view national intelligence activities as an un-American anomaly, of recent vintage and consumed by ex-

The author served as the Curator, Historical Intelligence, CIA, from 1974 to 1984. Currently, Editor of PERISCOPE, Journal of the Association of Former Intelligence Officers

cesses. Yet, thirty years ago, at the height of the "cold war," other critics saw the intelligence service as too restrained.

In 1954, for example, the President's Commission on the Organization of the Executive Branch, chaired by former President Herbert Hoover, found the intelligence services of that day inadequate for needs in a dangerous world. The commission's recommendation was this:

It is now clear that we are facing an implacable enemy whose avowed objective is world domination by whatever means and at whatever cost. There are no rules in such a game. Hitherto acceptable norms of human conduct do not apply. If the U.S. is to survive, long-standing American concepts of 'fair play' must be reconsidered. We must develop effective espionage and counter-espionage services. We must learn to subvert, sabotage and destroy our enemies by more clever, more sophisticated and more effective methods than those used against us....¹

For many in the intelligence community those orders posed moral and ethical problems, which restrained full implementation. Others, accepting the actuality of the growing Soviet threat, agreed with the commission's premise. As time went on, the community's marching orders were patched and repatched in an effort to strike a delicate but realistic balance with the American way of life. Yet, twenty years later, during the congressional investigations of the 1970s, there would be denunciations for missteps during those early years. The political pendulum had swung and blame was dispensed broadly. Much of the intelligence community was dismantled, funds and personnel were cut and restrictive guidelines imposed. Our national preparedness suffered.

In the history of intelligence – particularly its development in the United States – one finds deeply-rooted traditions and precedents often forgotten (or unknown, unfortunately) by those employed in its service and in the political leadership that must direct it and provide oversight.

The oldest intelligence report extant is found on a clay tablet dated about 2000 B.C. The *Holy Bible* recounts no less than eleven episodes of espionage, including the detailed collection requirements in the familiar instruction of the Lord to Moses to send spies into the land of Canaan.

Early citations reveal an understanding of intelligence as applicable today as when first written. Sun Tsu [c. 500 B.C.] tells that: "Those who know the enemy as well as they know themselves will never suffer defeat....What enables the wise sovereign and the good general...to achieve things beyond the reach of ordinary men is foreknowledge."²

Even more direct is the instruction found on a clay tablet dating back to 1370 B.C.: "Bring me back reliable information."³

In the history and legends of early military leaders one may find all the familiar accoutrements of the intelligence craft: cover stories, codes and ciphers, intelligence networks, and the like. Consider, for example, the chronicle of Hannibal, in which Polybius records: "For years before he undertook his campaign against Rome, he had sent his spies into Italy and they were observing everyone and everything. He charged them with transmitting to him exact and positive information regarding the fertility of the trans-Alpine plains and the Valley of the Po, their populations, their military spirit and preparations and, above all, their disposition towards the government of Rome."⁴

Recent discoveries of the intelligence service reports of the Caesars indicate that the secret service was noted for the cover employed by its agents. Wearing sandals, rough caps and coarse woolen cloaks, they traveled afar by foot or donkey, pretending to be at the lowest level of the Roman bureaucracy — grain inspectors — when, actually, they reported to the Emperors.

They also had a secret, one that remained so for 1,500 years. It was not until 1972, while Italian archeologists were digging in the foundations of the Church of St. Stephen-in-the-Round, that their secret headquarters was uncovered. The archeologists expected to find the remains of Nero's famed Merdellum Magnus, a round marketplace. Instead, they found a luxurious rest center for Caesar's spies. The secret facility, researchers tell us, operated under the rather undistinguished cover name of "Castra Peregrina" or Pilgrim's Camp, but according to one archeologist it was luxurious, not as drab as the name might imply: "When we lifted the pavement of the old church, we stumbled on the two rooms...the floors were paved with rich mosaic. The white walls were painted with cherubs and floating garlands."

Even at leisure, Caesar's "grain inspectors" were on call for debriefing and assignment. The archeologists tell us the spy headquarters was located about five minute's walk to the secret entrances of the emperor's palace.⁵

Several centuries later, the victory of William the Conqueror at the Battle of Hastings demonstrated the importance of such aggressive intelligence techniques as deception and disinformation, and in Britain, we find the first formal employment of espials⁶ during the reign of Henry VI.

During the mid-seventeenth century, which marks the birth of England's New Model Army, a new senior emerged in the form of the scoutmaster, a man appointed to "discover the whereabouts and intentions of the enemy." The scoutmaster's duties as "chief reconnoiter of the army" have some parallel with those of present-day chiefs of military intelligence. Said Henry VIII: "It is the office of the Scoutmaster when he cometh to the field, to set and appoint the scourge; he must also appoint some to the high hills to view and to see if they can discover anything. Also the said Scoutmaster must appoint one other company of scourgers to search and view every valley

thereabouts, that there be no enemies laid privily for the annoyance of said camp, and if they do discover any, they are to advertise the Scoutmaster and he must either bring, or send word, to the high marshal of their advertisement, with speed."⁷

In 1622, Sir Francis Bacon offered additional insight into King Henry's intelligence service:

Hee was careful and liberall to obtaine good Intelligence from all parts abroad. Wherein hee did not onely use his Interest in the Leigers here, and his Pensioners which hee had both in the Court of Rome, and the other Courts of Christendome; but the Industrie and the Vigilancie of his owne Ambassadors in Forraine parts... Requiring likewise from his Ambassadors an Answer, in particular distinct Articles, respectively to his Questions. As for his secret Spialls, who hee did imploy both at home and abroad, by them to discover what Practices and Conspiracies were against him, surely his Case required it: He had such Moles perpetually working and casting to undermine him. Neither can it be reprehended. For if Spialls bee lawfull against lawfull Enemies, much more against Conspirators, and Traitors.⁸

The title of Scoutmaster was not lost to another intelligence officer, Robert Baden-Powell, when centuries later he established the modern scouting movement.

Historians commonly begin accounts of the development of modern espionage systems in the West with the successes of Sir Francis Walsingham (1530-1590), who became associated with Queen Elizabeth's secret service in 1568. Other students of intelligence focus on the intrigues of Frederick the Great (1744-1797) as the first espionage system. I disagree.* I believe that credit for developing modern intelligence should go to the first Duke of Marlborough (1650-1722) – the “first Churchill” – whose foreign intelligence service was credited with being the best in Europe at the time. Although this achievement was ignored tactfully in the BBC dramatization of his life, I suggest that Marlborough demonstrated a professionalism with which modern day intelligence officers would find kinship. Consider, for example, his observations about management of intelligence:

I cannot suppose that I need say how essential a part of the Service this [intelligence] is, that no war can be conducted successfully without very early and good intelligence, and that such advices cannot be had but at a very great expense. Nobody can be ignorant of this that knows anything of secret correspondence, or considers the numbers of persons that must be employed

*Walsingham's secret service activity was almost solely domestic. I define intelligence, as we know it, to refer basically to foreign activity.

in it, the great hazard they undergo, the variety of places in which such correspondence must be kept, and the constant necessity of supporting and feeding this service, not to mention some extraordinary expenses of a higher nature, which ought only to be hinted at.⁹

THE AMERICAN SERVICE

Washington is the unquestioned father of American military intelligence. A glimpse at the inventory of his military library, accumulated during the years between his disasters in the French and Indian War and his victory in the War of Independence, reveals it to be well-based in intelligence theory. One of the French editions, for example, forecasts quite accurately the intelligence methods he would employ during the American Revolution, including the successful deception operation that preceded his defeat of the British at Yorktown.

From a present day perspective it is a bit ironic to recognize that the origins of our foreign intelligence undertakings rest in the Continental Congress. It was that body, fulfilling the executive responsibility in addition to the legislative, that established our first foreign intelligence directorate – the Committee of Secret Correspondence – in November 1775.¹⁰

The Continental Congress protected intelligence sources and methods by authorizing deletion of the names of those employed by the committee or with whom it had corresponded.¹¹ The members of the committee used this power wisely. When a courier brought word that France would provide, covertly, the arms, ammunition, and funds that were needed desperately, two of the committee's members, Benjamin Franklin and Robert Morris, noted: "We agree in opinion that it is our indispensable duty to keep it a secret, even from Congress....We find, by fatal experience, the Congress consists of too many members to keep secrets."¹²

Their view was sustained by future Chief Justice John Jay, who cautioned that public discussion of the transactions of the committee should be limited to what "may be necessary to promote the common weal, not gratify the curiosity of individuals."¹³

On 12 June 1776, the Continental Congress adopted the first secrecy agreement for government employees. The oath read: "I do solemnly swear, that I will not directly or indirectly divulge any manner or thing which shall come to my knowledge as (clerk, secretary) of the board of War and Ordnance for the United Colonies...So help me God."¹⁴

The Congress also adopted a more stringent oath for itself, declaring that each member "considers himself under the ties of virtue, honor and love of country, not to divulge, directly or indirectly those things which required secrecy. And, that if any member shall violate this agreement, he

shall be expelled this Congress and deemed an enemy to the liberties of America, and liable to be treated as such.”¹⁵

The Congress also extended the umbrella of confidentiality to its secret journals. It sheltered sensitive intelligence and foreign relations matters in this way, and imposed strict controls on the maintenance, access and copying of the records.¹⁶ This led to Congress's first confrontation with the problem of what to do about government employees who breached that secrecy.

The talented patriot writer, Tom Paine, was the first to test the system. In one of his pseudonymous “Common Sense” columns, Paine misused sensitive intelligence information gained through his post with the Foreign Affairs Committee. Paine was fired outright and the Congress passed a patently false resolution refuting his disclosure of covert assistance by France.¹⁷

The crusading oversight bodies of the 1970s (Church committee and Pike committee) would have been appalled at the activities authorized by the Congress's founders. For example, they devised and implemented covert action operations, approved non-attributed black propaganda, and on learning of abuses in mail opening did not bring it to a halt. Rather, it issued firm instructions narrowing the scope of who was authorized to do so.¹⁸

This was a time when money (including congressional salaries) was “not worth a continental,” and many members were forced to accept the humiliation of secret charity from the French Minister as the only recourse to returning home. Yet, despite these money problems, the Congress found the way to fund intelligence operations in gold and silver, and permitted the deletion of the names of intelligence sources to whom the specie was paid.¹⁹

Even the Declaration of Independence reflects the Congress's use, on an unattributed basis, of indications and warning intelligence – the charge leveled at George III that the king “is at this time Transporting Armies of Foreign Mercenaries to complete the works of death, desolation and tyranny.” That item was based on copies of the agreements reached by George III with German princes for the provision of mercenaries – we lump them all together as the Hessians – to supplement his own Hanoverian forces destined for America. The documents had been smuggled from London to Philadelphia via Canada by George Merchant, arriving on 18 May 1776 as Jefferson was drafting the Declaration.²⁰

The Congress also learned the hard way about excessive compartmentation. Working with American sympathizers on Bermuda, Robert Morris engineered a highly successful “smash and grab” raid on the Royal gunpowder magazine there. But he neglected to tell General Washington of the mission. Washington, then in Boston, learned quite independently of the powder store and launched his own raid without telling Congress. By the time Washington's men arrived in Bermuda, the gunpowder was long gone

and the Americans ran into a hornet's nest of British warships. This says something about the need for a central intelligence agency.²¹

Our founding fathers were quite pragmatic when it came to intelligence matters. They authorized gifts and the payment of gratuities for foreign figures to be influenced, permitted the expenditure of public monies for what today is called "operational entertainment," and dedicated ships under control of the secret bodies of Congress, not the Navy. The ships were used for conveying secret intelligence and war materiel acquired clandestinely.²²

There was also a strong element of tradecraft in the use of codes and ciphers, chemical secret writing and letter-drops in intelligence communications between the Committee of Secret Correspondence and its agents abroad. Recognizing the need to learn of thinking abroad, the Congress established a program to gather foreign publications for analysis.²³ Counter-intelligence operations approved by the Congress included coercive recruitments, penetrations, and many of the untidy aspects of that work. And when it found U.S. laws inadequate to punish Benjamin Church, Surgeon General of the military hospital at Boston, for spying on behalf of the British, the Congress enacted our nation's first espionage law. (The legislation was cited by the U.S. Supreme Court in its adverse ruling against German saboteurs during World War II.)²⁴

Members of Congress and its agents met secretly with representatives of European states to arrange various levels of support for our cause. Sweden, for example, agreed to provide sanctuary for American privateers when pursued by the British. The King of Prussia struck a propaganda blow when he charged the German princes a fee for transiting cattle as they marched their troops to ports of embarkation for America. During the covert action period, Spain contributed the equivalent of a million pounds, and France drove itself to near-bankruptcy by providing secret assistance before the two nations entered the conflict with troops and ships. During this secret phase France provided an estimated 90 percent of our gunpowder, the bulk of cannon and weapons, and the officers and engineers needed to turn minutemen into soldiers.²⁵

Even then the Congress was concerned about the Russian menace. Because we hoped to pay for our foreign military procurement with tobacco, William Carmichael of Maryland, an agent of the Committee of Secret Correspondence, was tasked with determining if Russian tobacco exports posed a threat to our plans. He reported the following from Amsterdam in November 1776: "You have been threatened that the Ukraine would supply Europe with tobacco. It must be long before that time will arrive. I have seen some of its tobacco here, and the best of it is worse than the worst of our ground leaf. Four thousand pounds have been sent here this year."²⁶

Carmichael was undisciplined, but a good agent. While in Paris he was suspected of having been recruited by the British while meeting with them at French direction, and was sent home. Later, while serving the State Department in Spain, those charges continued to haunt him and the suspicion was broadcast widely. When British intelligence records of the period became available in the mid-1800s, scholars learned how thoroughly Benjamin Franklin's Paris station was penetrated – but not by Carmichael. In the wartime documents the British complain about some of Carmichael's operations and bemoan the fact that their "pitch" to him had been rejected. Despite this "new" evidence, there are some fairly current works that repeat the old charges. I suggest this stresses the need to exploit enemy records (captured or otherwise) for counterintelligence information, no matter how long after the fact.²⁷

My favorite achievement of the Continental Congress grew from the ill-fated military and covert action operation led by Benjamin Franklin and three Marylanders, Samuel Chase, Charles Carroll, and Father John Carroll, to acquire Quebec as the fourteenth colony. On 26 February 1776, and by secret resolution, the Congress dispatched Fluery Mesplat, his printing equipment, and family, to Canada "to establish a free press...for the frequent publication of such pieces as may be of service to the cause of the United Colonies."

The American political operatives and their military forces were forced to withdraw, but Mesplat, undetected, remained. There he established the first French-language press in Canada and Quebec's first newspapers, one of which, the *Montreal Gazette*, is still published today. It might be described as U.S. intelligence's longest-running proprietary and covert action operation, although one might suspect that somewhere along the line we lost control of it.²⁸

Before leaving the period of the Revolutionary War, there is one other precedent to be noted from that conflict. It has affected all intelligence officers, and others, at one time or another – travel vouchers. Yes, even for his famous "early warning" operation, Paul Revere had a travel order and had to submit a travel voucher to the Committee of Safety. His claim included such expenses as boarding the colony's horses, printing some leaflets, and the like, but it was in regard to something else that Revere ran afoul of the bureaucrats. After waiting months for the voucher to be processed, Revere got it back only to find they had reduced his per diem.²⁹

With victory over Britain, the new nation began writing its Constitution. The Constitutional Convention provided in Article One for the continuation of the secret journals, and over the objections of George Mason of Virginia wrote it in such a way that there could be no pressure for short-term de-

classification. It also tackled the problem of intelligence. A citation from *The Federalist* might best illustrate this. Jay wrote:

There are cases where the most useful intelligence may be obtained, if the persons possessing it can be relieved from apprehensions of discovery. Those apprehensions will operate on those persons whether they are actuated by mercenary or friendly motives; and there doubtless are many of both descriptions who would rely on the secrecy of the President, and who would not confide in that of the Senate, and still less in that of a large popular general assembly. The Convention have done well, therefore, in so disposing of the power of making treaties that although the President must, in forming them, act by the advice and consent of the Senate, yet he will be able to manage the business of intelligence in such a manner as prudence may suggest.³⁰

Another important issue resolved by the Constitutional Convention was placing foreign intelligence in the hands of a civilian entity, the Department of State, rather than the military.

After George Washington took office, the founding fathers were true to their word; the President was, indeed, the manager of intelligence. When Washington asked for a "competent fund," the Congress understood, and on 1 July 1790, it gave the President the Contingent Fund of Foreign Inter-course, the so-called secret service fund. It also permitted accounting by certificate, the same procedure delegated to the Director of Central Intelligence by the Central Intelligence Act of 1949.³¹

Actually, Washington had already dispatched an agent abroad in anticipation of the funding authority to do so. The agent was Gouverneur Morris, who thus earns the distinction of being our first intelligence agent abroad under the Constitution.³² Of him, William MacClay said: "He has acted in a strange kind of capacity, half pimp, half envoy, or perhaps more properly a kind of political eavesdropper."³³

Washington's secret service fund for the first year was \$40,000. By the third year it had risen to one million dollars, or 12 percent of the national budget. Much of the money was for ransoming American hostages held in Algiers, for paying off foreign officials and, in effect, "buying peace."³⁴

Washington's Secretary of State, Thomas Jefferson, recognized the need for intelligence and the importance of good cover for secret aides. In a letter to James Madison dated 27 May 1793, Jefferson (not without whimsy) said: "We want an intelligent and prudent native, who will go to reside in N. Orleans as a secret correspondent for 1,000 dollars a year. He might do a little business, merely to cover his real office. Do point out such a one. Virginia ought to offer more loungers equal to this, and ready to do it, than any other state."

During his presidency, Jefferson received intelligence from France suggesting that Napoleon would be willing to coerce Spain into yielding the Floridas to the United States for seven million dollars, with Napoleon pocketing most of the money. Jefferson sought, and in secret session the Congress appropriated an even greater secret discretionary fund of two million dollars. It was used to start negotiations from which Napoleon later backed out.³⁵

Earlier, Jefferson had convinced the Congress to appropriate a sum of money "for the purpose of extending the external commerce of the United States." This cryptic language was intended to mask the funding of the Lewis and Clark expedition, which (despite what the schoolbooks tell us) was planned as an intelligence mission to enter the territories of foreign states with whom we were at peace, for the purpose of locating and mapping fortifications.³⁶

In 1806, the United States considered it essential to conduct another military reconnaissance, the entire territory drained by the Arkansas and Red Rivers. Selected to lead this intelligence mission was Lieutenant Zebulon Pike, a reliable young officer who, the previous year, had conducted an exploration of the upper course of the Mississippi River. The cover story selected for the mission was that the expedition was returning a party of Osage Indians to their homelands. If intercepted by Spanish forces, the party was under instruction to say it was traveling to the American outpost at Natchitoches, lost its bearings and had gone off course.

On 3 December 1806, Lieutenant Pike first saw the inspiring peak in the Colorado Rockies that was later to bear his name. Shortly thereafter Pike's party of trespassers was captured by the Spanish and taken first to Santa Fe, then to Chihuahua, while the Spaniards considered what to do with them. Ultimately, they were released and made their way to Natchitoches, arriving the following July.

Not surprisingly, when Pike's party returned east they were enmeshed in political controversy, not honors. The War Department was particularly sensitive about any discussion of an espionage mission into friendly territory and, four years later when Pike resolved to publish his journal of the expedition, it was over the Department's objection.

When the War of 1812 broke out, the man who had been an embarrassing lieutenant only five years earlier was commissioned a brigadier general. In April 1813, at age 34, he was killed at the Battle of York (Toronto). Yet, because Pike had kept accurate journals and maps of both his reconnaissance and the journey as a Spanish captive, when the Mexican War broke out some 30 years later, his were among the few reliable military intelligence documents concerning the Mexican territory.³⁷

During Madison's administration, intelligence and other government secrets gained the added protection of formal document classification;

"secret," "confidential," and "private." A fourth level was not added until World War I, when "top secret" was created to contend with "most secret" information received from Britain.

Madison, like his predecessors, recognized the need for intelligence, dispatching secret agents to South America, Nova Scotia, Bermuda, and Turkey. But, as with Jefferson, his eyes were on the Floridas, and in 1810 he sent agents to West Florida to convince American settlers that if they separated from Spain, they would be welcome to join the United States. The settlers responded as expected, adopted a "lone star" flag, captured Baton Rouge and declared West Florida "free and independent." Within two days of receipt of reports of the "lone star" declaration, Madison proclaimed American control over the territory and sent troops.

Madison then took on the rest of the Floridas, dispatching General George Mathews on the secret mission. Mathews was a veteran of the American Revolution, a former member of Congress and a recent governor of Georgia. His instructions were "to take over the Floridas from General Folch if the Spanish are willing to surrender them."

Mathews opted once again for the "lone star" revolution tactic, and in March 1812 a group of patriots, which included Georgia militia in mufti and other volunteers and support by American gunboats, occupied their first town and moved on to San Marcos near St. Augustine. They failed in their second conquest attempt but, undaunted, organized a government, chose a governor, and ceded East Florida to the United States.³⁸

In Washington the situation had changed. President Madison had paid \$50,000 for the letters of John Henry, a British spy, which exposed British efforts to woo the Federalists.³⁹ The documents had been well-publicized, the New England Federalists embarrassed and the British thoroughly denounced for intervention in our domestic affairs. Arriving in Washington when it did, news of Mathews' action permitted President Madison to share the embarrassment he had engineered. The British had been doing only a little bit of spying and buying; General Mathews had successfully incited a revolution, seized the territory of a nation with whom we were not at war, and employed U.S. naval forces to boot.

Although there had been secret Congressional approval for launching Mathews' mission,⁴⁰ the President had no option but to reprimand him and to promise return of the land to Spain. He did not return it, and Andrew Jackson administered the coup de grace during the War of 1812.

It was also during Madison's term that a successful, if unholy, alliance was made with gangsters of the period for intelligence purposes. The pirate Jean Laffite and his men were used to scout, spy and sometimes fight for General Jackson in Louisiana.⁴¹

In 1818, the question of declassifying the secret journals first arose. Recognizing the role of the executive, the Congress permitted the President to withhold from declassification those matters related to foreign affairs, including foreign intelligence, that he deemed necessary to require continued protection. Thus, the published secret journals of the revolution, (declassified in 1818) and the confederation period (declassified in 1820) – much like the information released these days under the Freedom of Information Act – are incomplete and fragmentary. Even then, there was embarrassment to some – for example, disclosure of the unanimous secret resolution of Congress authorizing the Secretary of State, for reasons of national interest, to open any letter in any post office, except those to and from members of Congress.⁴²

From time to time, there had been rumblings in the Congress about secret agents and the sums to support them, but it was not until March 1818 – nearly 29 years after President Washington had sent his first secret agent abroad – that the issue erupted in the Senate as a purely political one. By then the framers of the Constitution and founders of the Republic had retired or had died. The issue was raised by young men, examining the system they had inherited. One, Henry Clay, objected to including in the public appropriations bill monies for three individuals, saying he felt the Contingent Fund was primarily, if not exclusively, to be used for such secret agencies. The Congress affirmed this, struck the money from the appropriations bill and added it to the Contingent Fund.⁴³

The matter arose again in 1825 with Adams as President and Clay, Secretary of State. The opposition condemned sending official observers to the Panama Congress. Several members of Congress suggested from the floor that secret agents – spies paid from the Contingent Fund – should have been sent instead.⁴⁴

Six years later, in 1831, the appropriations bill was again at issue, this time over treaty commissioners. To put an end to queries, the administration moved to transfer money from the appropriations bill to the secret service fund. The opposition objected, saying it did not mind the Contingent Fund being used to pay secret agents, but that treaty commissioners were another thing. They lost, and the issue was again buried in the secrecy of the Contingent Fund.⁴⁵

During these debates, the first full public statement of the purpose of the secret fund surfaced. Senator John Forsyth, later to be Secretary of State to Presidents Jackson and Van Buren, declared: "The experience of the Confederation having shown the necessity of secret confidential agencies in foreign countries, very early in the progress of the Federal Government, a fund was set apart, to be expended at the discretion of the President on his responsibility only, called the Contingent Fund of Foreign Intercourse....

It was given for all purposes to which a secret service fund should or could be applied to the public benefit. For spies, if the gentleman pleases....⁴⁶

Later challenges were defeated in 1838 and 1842, with one buried and the second settled by removing payment of Department of State dispatch agents from the sanctuary of the secret fund.⁴⁷

The early years of our republic contain a number of fascinating intelligence episodes, carefully detailed in the so-called "secret agent bundles" (formally "Documents Relating to Special Agents of the Department of State") in the National Archives.

In one bundle, for example, one may find a storybook-type agent, George Bethune English. English, a former lieutenant in the U.S. Marine Corps, had resigned his commission to become a Muslim officer in the Turkish Army, and served in Ismail Ali's campaigns into the Sudan. On his return to the United States, he was recruited by President Monroe to return to the capital of Islam as a secret agent. His mission was to determine the receptivity of the Ottoman Empire to a commercial treaty with the United States and its consent to our desire to trade on the Black Sea. Representing himself as an American named Musselman, English managed "quietly and without observation" to obtain a copy of the Turkish treaty with France.⁴⁸

Another agent launched by President Monroe in 1823 was Alexander McRae, who was sent to Europe to report on the possibility of European intervention in South America. McRae's letter of instruction contained this admonition, one not unfamiliar to those in the intelligence profession: "You will assume no public character, but take passports of a private citizen of the United States....And you will take proper precautions for avoiding any appearance or suspicion of your being employed by a public agency...."⁴⁹

Much has been written about Joel Poinsett's mission to purchase Texas from Mexico for five million dollars. Most forget that it was a failure, choosing only to recall that on Poinsett's return to the United States he introduced our popular holiday flower. His successor, Anthony Butler, was also a failure, but he did it magnificently. He attempted to bribe Mexican officials into selling Texas and when that failed he came up with the unique idea of an unrepayable loan to Mexico with Texas as collateral. Although it was denied at the time, the Mexican government also accused Butler of being behind attempts to recruit so-called "colonists" to revolutionize Texas.⁵⁰

After Santa Anna's defeat in 1836, the question arose in Washington about diplomatic recognition of the Texans. A secret agent was sent to inquire into the political, social and economic conditions in the new republic, their military strength and financial resources and the ability of Sam Houston's government to meet its international obligations. The agent, Henry W. Morfit, came back with the word, in effect, "They're not ready

yet," leading Jackson to recommend to the Congress that the U.S. stand aloof to Sam Houston's overtures. By March of the following year the situation had changed and the United States finally recognized the Republic of Texas.⁵¹

Another of President Jackson's agents is worth noting, if only because the case reflects how little our fledgling nation knew about the world. Edmond Roberts was assigned to investigate secretly the operations of the British East India Company. He sailed for the Far East in 1832, rated as the captain's clerk on the sloop *Peacock*. Only the ship's captain knew his true status. Unfortunately, information at the Department of State regarding the countries he would visit was not very extensive or exact. In fact, titles and identities of some of the national leaders he was to approach were unknown in Washington. Simply, he was given a quantity of passports with blank spaces so that he might enter the necessary information on the spot. And, since he might be able to negotiate a treaty here and there, he was furnished with a supply of letters of credence with similar blank spaces. By the time Roberts died in Macao four years later, he had concluded treaties with Siam and the Sultan of Muscat!⁵²

President Tyler also had a bit of controversy over the natural combination already mentioned: Texas, secret agents and the Contingent Fund. Duff Green, a leading newspaper publisher and businessman, was sent to England to collect intelligence and engage in a bit of covert action related to the possible annexation of Texas. One of his letters about Texas was published in the British press, naturally not over his own name. The letter created such a stir that the Congress asked Secretary of State Calhoun to identify the writer and summon him before Congress. Calhoun replied that he couldn't ascertain the identity of the writer.

Congress tried again, closer to target, asking if Duff Green had been employed in Europe. Calhoun must have winced before responding, saying there was "no communication whatever either to or from Mr. Green, in relation to the annexation of Texas, to be found in the files of the Department."

The next inquiry was to the point: Was Duff Green paid money from the Contingent Fund appropriated by the Congress? By then the Senate had already rejected the treaty of annexation, and the secret no longer needed to be held. President Tyler answered that although he was not required to tell the Senate whom he paid from the Contingent Fund, he would oblige just this once. Yes, Duff Green had been employed to collect information about a negotiation being contemplated, but later abandoned. You will note that he did not answer the original question: Who wrote the controversial letter?⁵³

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Tyler, after leaving office, was not to hear the last of his Contingent Fund. It was charged in the Congress that Tyler's Secretary of State, Daniel Webster, had used some \$17,000 from the fund for propaganda in the U.S. religious press to win support for an unpopular treaty with Canada. By deposition, Tyler told the investigating committee that what they were probing was a secret matter and Webster had been deputized to carry it out. The committee backtracked. It said it had no intention of investigating the acts of presidential secret agents or of judging the propriety of using them within the United States.⁵⁴

The full House wasn't mollified. It called on President Polk to surrender the accounts of all payments from the fund during Tyler's administration. Polk refused disclosure, noting:

The experience of every nation on earth has demonstrated that emergencies may arise in which it becomes absolutely necessary for the public safety or the public good to make expenditures, the very object of which would be defeated by publicity...In no nation is the application of such funds to be made public. In time of war or impending danger the situation of the country will make it necessary to employ individuals for the purpose of obtaining information or rendering other important services who could never be prevailed upon to act if they entertained the least apprehension that their names or their agency would in any contingency be revealed.⁵⁵

Polk's statement, for the first time in the nation's history, gave public recognition to the clear linkage between "obtaining information," or collection, and "rendering other important services," undefined. It is rather like the phrase "to perform such other functions and duties related to intelligence affecting the national security..." found in the National Security Act of 1947.

Polk had good reason to defend the integrity of the Contingent Fund and to include "rendering other important services" in addition to collection. He was then using the fund for agents to Mexico and to California for what we would now call covert action to assure that California and Texas would drop into the U.S. bucket.

As war clouds thickened, Polk received an intelligence report that Mexico might cede California to Britain, effectively and permanently blocking American dreams of stretching to the Pacific. He authorized Thomas Larkin, a Massachusetts businessman, to assure the Californians that "Should California assert and maintain her independence, we shall render her all the kind offices of our power, as a sister Republic." Should the question of annexation arise, Larkin was empowered to say that the United States had no such

aspirations, "unless by the free and spontaneous wish of the independent people of adjoining territories."

Larkin was instructed to propound these ideas secretly, but back in Washington the opposition got it all wrong; they claimed that Larkin had been instructed to produce a revolution in California and Col. John Fremont had been given authority to sustain it.⁵⁶

The war with Mexico broke out in 1846, and once more President Polk turned to a secret agent, this time Moses Yale Beach, a journalist and one of the founders of the New York Associated Press. Beach traveled to Mexico, using a British passport, and under instruction "never to give the slightest intimation, directly or indirectly, that you are an agent of this Government."

Beach is said to have done well. He met with prominent Mexicans and became actively involved in the political and social life of Mexico City, all with the objective of seeking a way toward peace, a task some historians say he almost accomplished. Interestingly, the suspicious American press never unmasked his mission.⁵⁷

President Taylor also had his spy flap, and handled it with a flourish. It surfaced in the Congress that he had dispatched an agent to take soundings of the Hungarian revolt, and perhaps do a bit more if it looked as though the Magyars would win. They didn't, and the Congressional leak resulted in a strong note from the Austrians saying that had the American agent been apprehended, he could have been treated in a manner traditional for spies. President Taylor, in angry response, defined a spy as one sent by one belligerent against another to gain secret information for hostile purposes. The United States was neutral in the conflict, ergo the man was an observer, not a spy. Furthermore, the President of the United States took great offense at the suggestion this country would employ spies.⁵⁸

President Pierce, as Polk, made extensive use of agents and covert action. One of the most innovative plans was one to acquire Cuba from Spain. Spain had refused to part with the troublesome island, and a scheme was devised to force them to sell. It called for cooperative European money-lenders to call in their loans to the Spanish Crown, pressuring Madrid to sell Cuba to the United States as a means to raise the needed cash. The plan went well until leaked to the *New York Herald*.⁵⁹

In another ploy aimed at the same target, President Pierce acquiesced to the formation of an exile army in New Orleans for the "liberation of Cuba." When political realities forced Pierce to end his support of the proposed invasion, he used positive intelligence on Cuban fortifications to convince an old friend, who was the leader of the rebel army, to call it off.⁶⁰

To demonstrate the problems Pierce faced, one need only look at one intercepted letter brought to his attention. In it were British plans to sell

guns to Costa Rica for use in a war with Nicaragua, which would have the effect of driving out the Americans there. Pivotal then, as now, were the Miskito Indians.⁶¹

President Buchanan had his spies, too. Francis J. Grund, the newsman credited with being the father of the sensational style of journalism, served in Europe as a roving spy-at-large, investigating a number of issues of concern to the President. He was authorized to reveal his true status only to U.S. ministers in whatever countries he visited, but to all others he was to be only an interested and inquisitive private citizen.⁶²

Hours could be spent on the Civil War: the exploits of the civilian Pinkertons in uncovering plots against the Union; the military men of Lafayette Baker's secret service; overhead reconnaissance by Professor Lowe's "Aeronaut Corps" of balloonists; and President Lincoln's fascination with communications intelligence. (He wrote the Emancipation Proclamation in the War Department telegraph office to keep it a secret from others in the White House who might have leaked advance knowledge of the plan.)⁶³

For the first time since the American Revolution, the United States was unsparing in staffing and funding its intelligence activities abroad. Evidence of this includes:

1. Agents with some ten million dollars to engage in preclusive purchasing in Britain, a measure to block similar Confederate purchases of materiel.
2. Some two dozen agents in Britain and on the continent to identify secret sales and ship construction as part of British and French covert support of the Confederacy. The Federal Intelligence Service, as it was called, had little difficulty in recruiting clerks in business houses and shipyards to obtain the information.
3. Seizure on the high seas of a Scots-registry ship with a British crew sailing with false documentation for a fictional destination because we knew from our agents that it was actually being delivered to the South. The ship was held in a neutral port throughout the war. When the conflict ended, rather than expose the intelligence on which its capture was based, the U.S. apologized and agreed to a small compensation.
4. Secret negotiations to recruit General Garibaldi to accept senior rank in the Union Army in order to increase immigrant enlistments. Initially, his terms were excessive and could not be met. When the General finally made the necessary concessions, he was no longer needed; the tide of war had turned and immigrant enlistments were up.
5. Operations into Canada to thwart Confederate operations being launched from there and to build a case for claims against the Canadians and British for assisting the Confederacy covertly. Lincoln and Secretary of War Stanton, for example, dealt personally with a "doubled" courier who served as a vital link between Canada and Richmond.⁶⁴

The conflict was not without the type of unauthorized disclosure that has plagued other national endeavors and endangered the lives of many. To see the effect of one leak during the Civil War, for example, we turn to an angry letter by Major General Joseph Hooker to the Secretary of War. Referring to a leak in the *Washington Morning Chronicle*, Hooker complained:

Already all of the arithmeticians in the army have figured up the strength of sick and well, as shown in this published extract, as belonging to this army. Its complete organization is given, and in the case of two corps, the number of regiments. The chief of my secret service department would have willingly paid \$1,000 for such information in regard to the enemy at the commencement of his operations, and even now would give that sum for it to verify the statements which he has been at great labor and trouble to collect and systemize.⁶⁵

An investigation disclosed that the information had been given to the newspaper by a member of the Surgeon General's staff. In his defense, the offender wrote:

...to his entreaties for news as to the health of the army, I let him copy the letter, directing him, however, to omit the address and signature, and any marks which might denote the official and thus attach to it importance or credibility....In this connection it might be stated the only newspaper reporters who visit this office belong to the *New York Times* and the *Washington Chronicle*, both of which I believe to be loyal papers, and incapable of using to the public injury information that they might obtain....⁶⁵

Hooker was right and the leaker was wrong. The newspapers, although seen by the leaker as "loyal," had indeed used the information to the public injury. In the National Archives one may still examine General Robert E. Lee's report to the Confederate Secretary of War citing the *Chronicle* article: According to Lee, "Taking the report...his aggregate force, by calculation, amounts to more than 159,000 men."⁶⁵

A landmark court decision regarding the nation's intelligence service stems from the Civil War. William A. Lloyd, under personal contract to President Lincoln, was sent south to collect tactical and political information. He was to be paid \$200 a month, but when the war ended and he returned north, his case officer had been assassinated and he was reimbursed for expenses only. He took the matter to the Court of Claims seeking additional compensation.

The U.S. Supreme Court, in deciding the case, acknowledged that the President had the authority to employ secret agents, that all such agent contracts were binding on the government, and that the sums should be paid

from the Contingent Fund. Yet, because Lloyd had taken the matter to the courts, it ruled against him, stating:

The service stipulated by the contract was a secret service; the information sought was to be obtained clandestinely and was to be communicated privately; the employment and the service were to be equally concealed. Both employer and agent must have understood that the lips of the other were to be forever sealed respecting the relation of either to the matter. This condition of the engagement was implied by the nature of the employment, and is implied in all secret employments of the Government...If upon contracts of such matters an action against the Government could be maintained in the Court of Claims...the whole service in any case and the manner of its discharge with the details of its dealings with individuals and officers, might be exposed to the serious detriment of the public. A secret service, with liability to publicity in this way, would be impossible...The publicity produced by an action would itself be a breach of a contract of that kind, and thus defeat recovery....⁶⁶

In this decision are the roots for the so-called "Glomar defense;" that is, the government is not admitting such information exists, but *if* it does indeed exist, it would be properly classified and could not be disclosed. The Supreme Court decision put it this way:

It may be stated, as a general principle, that public policy forbids the maintenance of any suit in a court of justice, the trial of which would inevitably lead to the disclosure of matters which the law itself regards as confidential, and respecting which it will not allow the confidence to be violated...Much greater reason exists for the application of the principle to cases of contract for secret services with the Government, as the existence of a contract of that kind is itself a fact not to be disclosed.⁶⁶

After the Civil War, Presidents continued to dispatch agents, with Canada a favorite destination. In 1869, for example, President Grant dispatched James Wickes Taylor to the area of the Red River rebellion in Canada to determine if sentiment existed for the annexation of the Selkirk area, or even more, by the United States. It didn't exist. The dissidents did not want to leave Canada; they just wanted to be a second Quebec.⁶⁷

In 1881, the Army devised the idea of "hunting and fishing leave," a means by which officers could be dispatched to conduct terrain reconnaissance, yet provide some degree of official deniability.⁶⁸ Captain Daniel Taylor performed such a reconnaissance along the St. Lawrence River in 1881, and in 1890, Lt. Andrew Summers Rowan (of later "message to

Garcia" fame) did a detailed reconnaissance of the entire line of the Canadian Pacific Railway.

Perhaps one of the most daring, as well as most publicized, intelligence missions of this type was that of 1st Lieutenant (later Brigadier General) Henry H. Whitney to Puerto Rico in 1897. Whitney infiltrated Puerto Rico by signing on as a crew member of a British tramp steamer. Before his arrival, however, the story was leaked and newspaper articles discussed his secret mission at length. Forewarned by the American media coverage, Spanish authorities conducted an extensive search of the ship on its arrival, but failed to detect or apprehend him. He not only landed safely, but was able to conduct a thorough reconnaissance of the southern part of the island.⁶⁹

The need for such intelligence was great, and in 1902, the Military Information Division of the Army instructed commanding officers of a number of frontier posts to send secret tactical reconnaissance missions into Canada for mapping purposes.⁷⁰ ("Hunting and fishing leave" existed in Army regulation, in one form or another, until 1928.)

This period saw heightened interest in military intelligence. The Office of Naval Intelligence was formed in 1882, followed by the Bureau of Military Intelligence (Military Information Division after 1901) in the Army in 1885, the year that President Cleveland also authorized the posting of military and naval attachés at our foreign legations.⁷¹

But perhaps the best evaluation of this period is that of Thomas Miller Beach, a British intelligence agent who served under cover in the United States from 1867 to 1888, as part of a network the British and Canadians maintained along the border and in such cities as Chicago, Detroit, and Buffalo. In his memoirs, Beach provides this critique of the American service: "America is called the Land of the Free, but she could give England points in the working of the Secret Service, for there, there is no stinting of money or men."⁷²

The Spanish-American War was a time of testing for Naval Intelligence, and its hastily assembled networks had a successful track record in collecting both political and strategic intelligence. But, with the end of the war and demobilization, the networks were all but scrapped; few saw the need for an energetic and continuing intelligence capability.⁷³ Proof of this is found in the emasculation of the Military Information Division in 1908, when it was assigned to what might be called a map and document library function at the Army War College. As with Presidential agents, when military intelligence missions were required, personnel were recruited *ad hoc*.

An example of this was a joint intelligence mission launched in 1909. Two military officers were sent on a two-year reconnaissance of Taiwan, the Ryukyus, the Japanese home islands, Korea, and Manchuria. Commander

Joseph "Snake" Thompson of the U.S. Navy Medical Service and 1st Lt. Consuelo A. Seoane, 3rd Cavalry, traveled under assumed names and South African nationality, posing as naturalists while mapping Japanese fortifications and coastal facilities. To enhance their cover, they collected specimens and maintained bogus diaries of botanical finds (for the benefit of Japanese surreptitious entry teams) and checked in regularly with British consular authorities to affirm Crown protection due South African nationals.⁷⁴

Similarly, when communications intelligence about the Mexican Army was desired, the task was given to the Arizona National Guard. They were quite successful in the assignment, crossing the border and stringing a land-line "tap" to a Mexican military telegraph pole.⁷⁵

There were those who recognized the need for an informed military intelligence establishment, but their efforts were not always wise or successful. Shortly before World War I, for example, the Commandant of the Command and General Staff School, Fort Leavenworth, acting on the suggestion of the Chief of the War College Division, determined to prepare a regular intelligence publication for appropriate Army distribution. The first issue, which drew on intelligence reports forwarded to the Command and General Staff School, resulted in a strong note of protest from the British. One item in the new publication, they said, had been given to the U.S. military attaché in London only after securing his solemn promise to maintain it with utmost secrecy. The promising intelligence publications program came to a complete halt.⁷⁶

There were the inevitable feuds as well. In January 1916, the Director of Naval Intelligence complained to the Chief of Naval Operations that the Assistant Secretary of the Navy was attempting to usurp the control of the DNI over intelligence by organizing his own secret intelligence bureau. The Navy intelligence chief asked, unsuccessfully, which office held responsibility for coordination of intelligence activities within the Navy Department. The DNI survived the crisis, but what of the Assistant Secretary of the Navy who dabbled in intelligence? Franklin D. Roosevelt went on to become the Constitutional manager of intelligence for the nation.⁷⁷

The U.S. declaration of war against Germany in World War I stemmed from an intelligence success, the interception and decoding by the British of the infamous Zimmerman telegram. President Wilson sought the declaration after unilateral confirmation of the proposed collusion of Germany and Mexico detailed in the encrypted message.

That conflict also saw the establishment of the nation's first permanent combat intelligence system. On 31 August 1917, General Pershing created the Intelligence Section, General Staff, and by the end of the year had ordered creation of a Regimental Intelligence Service. Training began immediately and by mid-1918 an Army Intelligence School had been estab-

lished in Europe. Regimental and battalion S-2's were given the manpower and the sole purpose of collecting intelligence. This wartime precedent led to the inclusion of intelligence sections at the battalion, regimental, and brigade level when the Army was restructured at the end of the war. Albeit the poor intelligence officer at the battalion level also found himself detailed as adjutant, plans and training, and supply officer.⁷⁸

During the postwar years there were proposals that something be done to coordinate intelligence. One plan called for the creation of a Bureau of Intelligence with a director appointed by and responsible to the President. Too many turfs would have been trod on, and the plan was doomed. Another concept was a clearing house, without a central bureau, to compare reports and to assign investigations. That plan was shelved when the MID pointed out that it was already serving as such a clearing house, receiving and indexing reports from the various intelligence components. Proprietary interest set the stage for a disaster yet to come.⁷⁹

This is not to say the various components in the intelligence arena were ineffective. Each toiled away in its own environment, producing the intelligence necessary to meet individual command requirements. I will not belabor here the fact that one of the critiques of Pearl Harbor was that there was too much of this individual "noise," and no one to pull it together. Nor did the intelligence components act in concert; each was vulnerable to the budgetary and political whims of those above.

One telling example of this is the demise of the State Department's code-breaking office, the so-called "Black Chamber." After Henry L. Stimson had been in office for a few months as Herbert Hoover's Secretary of State, Herbert Yardley, who operated the "Black Chamber," felt it was time Stimson lost some of his innocence. He sent Secretary Stimson copies of an important series of diplomatic messages, which had just been decrypted.

Stimson was shocked. To the new Secretary of State, the "Black Chamber" was a violation of the principle of mutual trust on which he conducted both his personal affairs and foreign policy. In his memoirs almost two decades later, he explained he was guided then by the belief that the way to make men trustworthy was to trust them. He was dealing as a gentleman with other gentlemen sent as ambassadors and ministers from friendly nations, and "Gentlemen do not read each other's mail."

Stimson withdrew all State Department funding from the 10-year old operation, and on 29 October 1929, the "Black Chamber" was closed and its staff dispersed. Fortunately for the nation, the Army saw it as time to consolidate its code-making and code-breaking in a small Signal Intelligence Service created the following year. (Although Stimson said he never regretted the decision to close the "Black Chamber," by 1940 the world had changed, and so had the Secretary of War. In that post, Stimson found no

ethical objection to the vital intelligence being gained through the crypto-analysis known as MAGIC.)⁸⁰

We were back in the ad hoc mode that had seemed to plague our national intelligence effort after every war. When an estimate of the German Air Force was needed, Charles Lindbergh was prevailed on to destroy his reputation with a "good will" visit to Germany and its military air bases. (The estimate he penned for the signature of the U.S. Military Attaché in Berlin was wrong, despite his good intentions. The Germans had shuttled aircraft about from field to field so that at each visit Lindbergh was, unknowingly, counting the same planes.)⁸¹ When the President needed information on German rearmament he turned to scholars, businessmen, industrialists, and reporters to serve as executive agents, just as other Presidents had done before him. Dilettantes agreed to hike through Germany, observing what the President had asked them to observe.

The disaster came and the nation was unprepared politically and militarily.⁸²

There is a lesson in all this, and none said it better than President Woodrow Wilson in discussing his dilemma at the time of the Zimmerman Telegram:

You have got to think of the President of the United States as the chief counsellor of the Nation, elected for a little while but as a man meant constantly and every day to be the Commander-in-Chief of the Army and Navy of the United States, ready to order them to any part of the world where the threat of war is a menace to his own people.

And you cannot do that under free debate. You cannot do that under public counsel. Plans must be kept secret.

Knowledge must be accumulated by a system which we have condemned, because it is a spying system. The more polite call it a system of intelligence.

You cannot watch other nations with your unassisted eye. You have to watch them with secret agencies planted everywhere.

Let me testify to this my fellow citizens, I not only did not know it until we got into this war, but did not believe it when I was told that it was true, that Germany was not the only country that maintained a secret service. Every country in Europe maintained it, because they had to be ready for Germany's spring upon them, and the only difference between the German secret service and the other secret services was that the German secret service found out more than the others did, and therefore Germany sprang upon the other nations unaware, and they were not ready for it.⁸³

REFERENCES

Documents cited herein concerning special agents are drawn from Records Group 59, "General Records of the Department of State," National Archives and Records Administration (NARA). Pre-

fixes used for identification include NARA (SM) for Special Missions, NARA (Inst) for Instructions, NARA (Corr) for Correspondence, etc. No attempt has been made to list all correspondence on a given subject, only that which relates to the appointment of a particular agent and his mission. Special Missions carried out by U.S. Navy officers prior to 1886 may be found in Naval Records Collection, NARA Record Group 45; later dates may be found in NARA Record Group 80. *Journals, Secret Journals and Diplomatic Correspondence* of the Continental Congress are cited only by date because pagination varies between published editions.

¹ Report of the President's Commission on the Organization of the Executive Branch of the Government, Report of the Special Study Group [Doolittle Committee] on the Covert Activities of the Central Intelligence Agency, September 30, 1954 cited in LEARY, William M. [Ed.], *The Central Intelligence Agency: History and Documents*. University, Ala.: University of Alabama Press, 1984. pp. 143-45. The report also states without equivocation, "As long as it remains national policy, another important requirement is an aggressive covert psychological, political and paramilitary organization more effective, more unique and, if necessary, more ruthless than that employed by the enemy. No one should be permitted to stand in the way of the prompt, efficient and secure accomplishment of this mission." The Special Study Group was chaired by Gen. James (Jimmy) H. Doolittle; other members were William B. Franke, Morris Hadley and William D. Pawley.

² The Samuel Griffith translation (1963) reads: "Now the reason the enlightened prince and the wise general conquer the enemy whenever they move and their achievements surpass those of ordinary men is foreknowledge."

³ Mursilis to Hattu-Zitis, cited in Jock Haswell's *Spies and Spymasters: A Concise History of Intelligence*, (London, 1977), p. 7.

⁴ Hannibal's intelligence operations are examined in Francis Dvornik's *Origins of Intelligence Services*, (Rutgers, 1974), pp. 52-72.

⁵ *Los Angeles Times*, 4 May 1972, "Headquarters of Old Rome's Spies Found."

⁶ Haswell, loc. cit., p. 26. The King's espials were actually domestic informers, not foreign intelligence agents.

⁷ Haswell provides a detailed chronology of the development of Britain's intelligence and internal security services. The title of Scoutmaster was apparently combined with other titles. "One of the earliest holders, Thomas Nevysen, died on 11 July 1590, and on his tomb in the sanctuary of Eastry Church he is described as 'Provost Marshal and Scoutmaster and Captain of Light Horse of the Lathes of St. Augustine.'" Ibid., p. 32.

⁸ Sir Francis Bacon, *The Historie of the Raigne of King Henry the Seventh*. (London, 1622).

⁹ Haswell, loc. cit., p. 48. Marlborough was speaking in defense of his intelligence expenditures of some £340,000. Political foes accused him of misappropriation.

¹⁰ *Journals of the Continental Congress*, 29 November 1775.

¹¹ *Journals*, 10 May 1776.

¹² *Revolutionary Diplomatic Correspondence of the United States*, 1 October 1776.

¹³ *Correspondence*, Jay to Morris, 6 October 1776. There is no question that Jay suspected Richard Henry Lee of leaking the information: "...a copy of letter from A.L. to that committee has lately been sent by a member of Congress to a gentleman of his acquaintance who is not a member of Congress... You will be pleased, therefore to make no other use of this information than to induce the greater caution in the committee. For as to binding certain members in the House to secrecy by oaths or otherwise would be just as absurd as to swear Lee (no matter which of them) to look or feel like Ned Rutledge."

¹⁴ *Journals*, 15 May 1775, 12 June 1776.

¹⁵ *Secret Journals*, 9 November 1775.

¹⁶ Ibid. 20 May 1776, 1 June 1781.

¹⁷ *Journals*, 12 January 1779. The resolution claimed "indisputable evidence... that his Most Christian Majesty... did not preface his alliance with any supplies whatever sent to America." Payne's article appeared in the second of five installments of "Common Sense to the Public on Mr. Deane's Affair," *Pennsylvania Packet*, 2 January 1779. For the French Minister's report of the affair see *Despatches and Instructions of Conrad Alexandre Gerard, 1778-1780*, John J. Meng, ed., (Baltimore, 1939), Gerard to Vergennes, pp. 470-475.

¹⁸ Ibid. 20 November 1775, 30 December 1775, 16 April 1776.

¹⁹ *Secret Journals*, 27 April 1779.

²⁰ Lyman H. Butterfield, "Psychological Warfare in 1776," in *Proceedings of the American Philological Society*, vol. CXCIV, p. 234.

²¹ The story of the "Bermuda Gunpowder Plot" at St. George's war retold graphically on four postage stamps issued by Bermuda on 27 October 1976, the 200th anniversary of the raid.

- ²² Gifts requested by Silas Deane, an American agent in Paris, ranged from "a few barrels of apples, of walnuts, of butternuts, etc." to "a narrowhansett horse or two" for the Queen. *Correspondence*, 28 November 1776. The first recorded "operational entertainment" approvals were to "promote the happiness" and to "provide for and entertain Sachems or warriors of the Six Nations" in an effort to win them to the Revolutionary cause. *Journals*, 11 November 1775, 19 November 1775. Initially the packets authorized by Congress were to be used for carrying instructions and copies of intercepted letters to America's agents and correspondents abroad. *Journals*, 16 November 1775.
- ²³ *Correspondence*, 21 December 1776. "...contrive to send us in regular succession some of the best London, French, and Dutch newspapers, with any valuable political publications that may concern North America."
- ²⁴ *Journals*, 21 August 1776. This legislation, reported by the Committee on Spies, was limited to "all persons, not members of, nor owing allegiance to any of the United States of America...found lurking as spies." On 27 February 1778, the Congress broadened the espionage provisions to include any "inhabitant of these states," who, by giving intelligence, etc., should aid the enemy in the killing or capturing of loyal citizens. The penalty: "suffer death by the judgment of a court-martial, as a traitor, assassin, or spy." The U.S. Supreme Court cited this initial legislation and the execution of Major John Andre and some seventeen other spies during the American Revolution in denying seven German saboteurs leave to file a petition of habeas corpus. Six of the German agents were executed.
- ²⁵ By the end of 1777, the French had shipped two and a quarter million pounds of gunpowder, or 90% of the total from all sources. Marcel Villanueva in *The French Contribution to the Founding of the United States*, notes that between 1771 and 1781 France had to borrow 600,000,000 livres from Swiss Bankers to finance its support of the Americans; the cost to France was two and a half times greater than its national budget. J. B. Perkins, *The War of Independence*, places the cost at \$772,000,000; a U.S. Treasury official has equated that amount to two and one-half billion dollars in 1976 dollars. Of the 44,177 Frenchmen who served in the land and naval forces supporting the Americans, 2,112 were listed as fatalities.
- ²⁶ *Correspondence*, Carmichael to the Committee of Secret Correspondence, 2 November 1776.
- ²⁷ The records of William Eden, acting chief of British intelligence activities in France, were recovered and reproduced by Benjamin F. Stevens in his *Facsimiles of Manuscripts in European Archives Relating to America, 1773-1783* (London, 1899). Among documents such as those lamenting the failure to recruit Carmichael are reports of successful penetration of Benjamin Franklin's Paris offices, surveillance reports, intercepted mail and the like.
- ²⁸ *Secret Journals*, 26 February 1776.
- ²⁹ For "riding for the Committee of Safety," Revere claimed five shillings a day; it was reduced to four shillings in the voucher approved by the Massachusetts House of Representatives, 22 August 1775. (Copy provided by the Office of the Secretary of the Commonwealth, Boston.)
- ³⁰ *Federalist*, No. 64.
- ³¹ *Annals of Congress*, 1 Cong., II, 2292; Stat. at Large, I, 128.
- ³² NARA (Corr), Washington to Morris, 13 October 1789.
- ³³ *Journal of William Maclay*, E. S. Maclay, ed., (New York: 1890), 401 p.
- ³⁴ 1 Stat. 128, Act of 1 July 1790; 1 Stat. 345, Act of 20 March 1794; The purposes for which Washington and his successors used the Contingent Fund had the indirect approval of the Congress through its annual appropriation to the Fund.
- ³⁵ Alexander deConde, *A History of American Foreign Policy* (New York: 1971), pp. 120-21.
- ³⁶ *The American Heritage History of the Great West* (New York: 1965), pp. 62-63.
- ³⁷ Zebulon Montgomery Pike, *An Account of Expeditions to the Sources of the Mississippi and Through the Western Parts of Louisiana, to the Sources of the Arkansas, Kans, LaPlatte, and Pierre Juan Rivers; Performed By Order of the Government of the United States during the Years 1805, 1806, and 1807. And a Tour Through the Interior Parts of New Spain, When Conducted Through These Provinces, By Order of the Captain General, in the Year 1807*. (Philadelphia, 1810).
- ³⁸ deConde, pp. 121-125; NARA (Dom. Let.) To Col. McKee and Gen. Mathews, joint appointment and instructions, 26 January 1811, 29 January 1811, 29 June 1811.
- ³⁹ *Documents from Henry, the British Spy!!*, Eben. Seaver, ed., (Washington, 1812).
- ⁴⁰ Secret Resolution and Act of 15 January 1811, cited by deConde, p. 122.
- ⁴¹ In 1815, Lafitte was pardoned by President Madison as a reward for his service; he resumed his privateering two years later.
- ⁴² *Secret Journals of The Acts and Proceedings of Congress, From the First Meeting Thereof to the Dissolution of the Confederation, By the Adoption of the Constitution of the United States*, Published under the direction of the President of the United States, conformably to Resolution of Congress of March 27, 1818, and April 21, 1820, (Boston, 1821).

- ⁴³ Henry Merritt Wriston, *Executive Agents in American Foreign Policy* (Baltimore: 1929), pp. 219-224.
- ⁴⁴ *Ibid.*, pp. 224-237.
- ⁴⁵ *Ibid.*, pp. 237-258. Wriston notes that the debates were held in Executive Session and that the security seal was removed on only parts of the debates for the purpose of publication.
- ⁴⁶ *Ibid.*, pp. 241-242.
- ⁴⁷ *Ibid.*, pp. 258-264.
- ⁴⁸ NARA (SM) To English, 2 April, 1823; J. Q. Adams *Memoirs*, VIII, 62.
- ⁴⁹ NARA (SM) To McRae, 15 December 1823.
- ⁵⁰ NARA (SM) To Butler, 24 August 1829; deConde, 181-182.
- ⁵¹ NARA (SM) Forsyth to Morfit, 23 June 1836.
- ⁵² NARA (SM) Livingston to Roberts, 14 February 1832; Second Mission, 5 August 1832.
- ⁵³ NARA (Instructions, GB), To Edward Everett re Green, 13 June 1843 (No instructions to Green have been found); Wriston, pp. 708-711.
- ⁵⁴ deConde, pp. 158-159; Report, Select Committee, House, No. 684, 9 June 1846; Tyler Deposition, 1 June 1846, reprinted in the *Congressional Globe*, 11 June 1846.
- ⁵⁵ Polk, Serial 485, Doc. 187, 1-5; *Diary of James K. Polk, 1845-49*, M. M. Quaife, ed. (Chicago, 1910), I, pp. 328-336.
- ⁵⁶ NARA (SM), Buchanan to Larkin, 17 October 1845; Polk, *Diary*, III, 395, 399.
- ⁵⁷ NARA (SM), Buchanan to Beach, 21 November 1846.
- ⁵⁸ NARA (SM), Clayton to A. Dudley Mann, 18 June 1849 and 15 June 1850. Hulsseman, Austrian Legation, Letter, *Congressional Globe*, 31 Cong., 2 Sess., App. 45; Webster Response, *Congressional Globe*, 31 Cong., 2 Sess., App. 45-48.
- ⁵⁹ Roy Franklin Nichols, *Franklin Pierce: Young Hickory of the Granite Hills* (Philadelphia: 1969), details the hopes and ultimate failure of this and other attempts by President Pierce to acquire Cuba.
- ⁶⁰ Nichols, "Pierce knew that Quitman was again preparing to invade Cuba. Despite popular clamor this must not be. Quitman was called to Washington and showed the plans of the Cuban fortifications. The general then realized that he could not hope to succeed, and quit."
- ⁶¹ Nichols, 461.
- ⁶² NARA (SM), Cass to Grund, 18 June 1858.
- ⁶³ Homer David Bates, *Lincoln in the Telegraph Office: Recollections of the United States Military Telegraph Corps During the Civil War* (New York: 1907).
- ⁶⁴ NARA (Instructions, Belgium) To Sanford, 26 March 1861. Henry S. Sanford directed federal espionage in Europe. John Murray Forbes and William Henry Aspinwall were the financiers sent by the Navy to Europe with the ten million dollars in bonds. For the Garibaldi assignment to Sanford, (Instructions, Belgium), 27 July 1861. Also see, Herbert Mitgang, "Garibaldi and Lincoln," *American Heritage*, vol. 25, No. 6, October 1975, pp. 34-39, 98-101.
- ⁶⁵ *Official Records of the Union and Confederate Armies, War of the Rebellion*, Series I, vol. XXV, part II, serial no. 40, pp. 239-241, 790.
- ⁶⁶ 92 US 105, 105-107 (1876), Enoch Totten, Admr., App., v. United States.
- ⁶⁷ NARA (SM), Fish to Taylor, 30 December 1869.
- ⁶⁸ U.S. Army Regulations, 1881, paragraph 89.
- ⁶⁹ R. A. Alger, *The Spanish American War* (New York: 1901).
- ⁷⁰ NARA, Records of the WDGS, Memo, Adj. Gen. for Lt. Gen. Commanding the Army, 17 March 1902, AWC 639-14.
- ⁷¹ John Patrick Finnegan, *Military Intelligence: A Picture History*, (Arlington: History Office, U.S. Army Intelligence and Security Command, 1985) p. 5. This excellent work focuses on the period 1880 to date.
- ⁷² Henri Le Caron (pseud.), *Twenty Five Years in the Secret Service: The Recollections of a Spy* (London, 1982). See also, John A. Cole, *Prince of Spies: Henri Le Caron* (Boston, 1984).
- ⁷³ Jeffrey M. Dorwart, *The Office of Naval Intelligence: The Birth of America's First Intelligence Agency, 1865-1918* (Annapolis, 1979), pp. 66-67.
- ⁷⁴ Consuelo A. Seone, *Beyond the Range* (New York: 1960).
- ⁷⁵ Sidney Forrester Mashbir, *I Was An American Spy* (New York: 1953), p. 38. "On my first mission - crossing the border near Naco to tap Calles' private telegraph line, which ran between Cananea and Agua Prieta - I promptly botched the job. The Mexicans discovered our wire. On our next attempt, however, we were successful...and thereafter messages were intercepted and decoded as fast as they went through."
- ⁷⁶ R. H. VanDeman, *Notes on the History and Development of the MIS Maintained and Written by Major General R. H. VanDeman, USA (Ret) Beginning in 1949*, unpublished memo of 8 April 1949.

- ⁷⁷Dorwart, citing Oliver Memorandum to CNO Benson, 26 January 1916, file 20961-616, ONI Confidential Correspondence.
- ⁷⁸Paul R. Scott, "The Birth of the 2's: Combat Intelligence in the American Expeditionary Force," in *Military Intelligence*, July-September 1980, pp. 24-26.
- ⁷⁹William R. Corson, *The Armies of Ignorance: The Rise of the American Intelligence Empire* (New York: 1977), p. 59.
- ⁸⁰Henry L. Stimson and McGeorge Bundy, *On Active Service in Peace and War* (New York: 1947), p. 188; David Kahn, *The Codebreakers: The Story of Secret Writing* (New York: 1967), pp. 7, 360.
- ⁸¹I am indebted to Col. Russell J. Bowen for alerting me to Truman Smith's unpublished manuscript, *Air Intelligence Activities With Special Reference to the Services of Col. Charles A. Lindbergh*, which he located in the Lindbergh Collection, Yale. Smith served as Military Attaché in Berlin at the time.
- ⁸²"The American Army's long neglect of intelligence training was soon reflected in our initial undertakings. For too many years...we had overlooked the need for specialization in such activities as intelligence...Had it not been for the uniquely qualified reservists who so capably filled many of our intelligence jobs throughout the war, the Army would have found itself badly pressed for competent intelligence personnel." (General Omar Bradley in *Life*, 9 April 1951.)
- ⁸³Woodrow Wilson, "War and Peace," Speech delivered at the Coliseum, St. Louis, Missouri, 5 September 1919.

Errata

Volume 1, No. 1 – "*The Historical Underpinnings of U.S. Intelligence*" by Edward F. Sayle.

Page 3, paragraph 6: Should read:
"Even before the formation of
England's New Model Army in
mid-seventeenth century, a new
senior....

Our apologies to authors and readers.

Page 4, footnote: "heavily" should be
substituted for "almost solely;"
"basically" should be deleted.

Page 11, line 2: "World War II" is
correct, not World War I.

Page 13, paragraph 3, line 8: Sentence
should read: "Representing
himself as a garbed American
Moslem, English....

Page 20, line 5: Date should read
"1898."

Page 25, footnote 37: Add "Bidwell,
Bruce W. *History of the Military
Intelligence Division,
Department of Army General
Staff (1774-1941)*, typescript
1954 (now available in published
form from University Publica-
tions of America, Frederick,
Md., 1986, p. 13.

Page 26, footnote 72: Date should be
1892.

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